

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT
CASE NO. 2020-CP-40-3674

Ammon L. “Treigh” Sullivan,

Plaintiff,

v.

Richland County School District One and
South Carolina Department of Education,

Defendants.

ORDER ON DAMAGES

RECEIVED

May 19 2021

SC Court of Appeals

A hearing was held before the undersigned on April 7, 2021, pursuant to an Order Denying Defendant South Carolina Department of Education’s Motion to Set Aside Entry of Default and Motion to Dismiss filed by the Honorable L. Casey Manning, on January 13, 2021, wherein the undersigned was appointed as Master-in-Equity to make a determination of Plaintiff’s damages to be entered against Defendant South Carolina Department of Education. Plaintiff was represented by Ryan K. Hicks, Esquire of Columbia, Defendant, South Carolina Department of Education (hereinafter “SCDE”) was represented Andrew F. Lindemann, Esquire of Columbia.¹

Because the alleged damages were not liquidated, Rule 55(b)(2), SCRCF, authorizes a damages hearing “to enable the court to enter judgment or to carry it into effect, [and] to determine the amount of damages or establish the truth of any averment by evidence or to make an investigation of any other matter.” In addition to argument by counsel, the Court received testimony from Plaintiff, Ammon L. “Treigh” Sullivan (“Sullivan”). Sullivan also offered a number of exhibits into evidence to support his alleged damages.

¹ Counsel for Defendant, Richland County School District One, Sheneka S. Lodenquai, Esquire, was also present at the hearing but did not participate.

Based on the evidence and argument presented at the hearing, and as set forth in more detail below, the Court enters judgment in favor of Sullivan in the amount of \$37,724.13.

DISCUSSION

I. SCDE's renewed motion

At the start of the hearing, Defendant's counsel renewed its prior motion that Plaintiff: (1) had not proven entitlement to judgment by default against a state agency; (2) had failed to state a cause upon which relief may be granted; and/or (3) entry of a default judgment is/was premature. [Def. Mem. In Opp. To Plt. Motion for Default Judgment, filed March 31, 2021]. Having reviewed the memorandum, prior motions of Defendant, and argument of counsel, the Court is not persuaded by such arguments. Such arguments were previously presented to Judge Manning pursuant both a Motion to Set Aside Entry of Default and Motion to Dismiss, and a Motion to Alter or Amend Order or Motion to Reconsider. Judge Manning denied both motions, and further referred the matter to the undersigned for the purpose of a hearing to determine the Plaintiff's damages.

Accordingly, Defendant's renewed motion(s) is denied.

II. Damages

Regarding Sullivan's unliquidated damages, Sullivan testified that he began his employment with Defendant, Richland County School District One ("RCSD") in or around August 2010. Prior to beginning at RCSD, Sullivan had worked at Lexington School District One ("LCSD") from 2006-2010 as a Teaching Aide – a classified position. Sullivan testified that upon beginning his employment at RCSD – a certified position – he inquired about his years of service at LCSD being applied as Step credits. Specifically, Sullivan testified that despite having four (4) years of service at LCSD, RCSD was not providing him any such credit and was starting him as a Step 0. Sullivan testified that he contacted SCDE for guidance but was provided little insight, and because he was a new employee with RCSD

he did not further push the issue for fear of losing his employment. Accordingly, Sullivan began his employment in August 2010 as a Step 0.

Sullivan testified that in 2019 he learned from a colleague about a SCDE Experience Verification Form that was to be completed to provide him credit for the time at LCSD as provided for in S.C. Code Reg. § 43-57.2. Sullivan testified that SCDE never advised him of the form and/or regulation, and that if they had he would have prepared and submitted the form well prior to 2019 – nine years after having begun his employment with RCSD. Sullivan testified that in or around June 2019 he personally provided the Experience Verification Form to LCSD, which was completed and returned to him; Sullivan then provided the Form to SCDE.

Sullivan testified that in August 2019, SCDE updated Plaintiff's years of service to reflect him having thirteen (13) years of experience (Step 13) instead of the nine years (Step 9) previously reflected. Sullivan went on to testify that following the August 2019 change in his Step, RCSD increased his pay to account for the additional four (4) years of service and that since August 2019 he has properly been paid in accordance with the applicable Step to include his years of service at LCSD.

Sullivan testified that as a result of SCDE's actions, for the first nine (9) years of his employment with RCSD, he was paid according to the Teacher Salary Schedule as if he had four (4) less years of experience (i.e. Steps). Sullivan testified and provided documentation that he suffered a difference in pay from 2010-2019 of \$25,907.00. Additionally, Sullivan testified that as a result of this error, he suffered a loss of benefits value of \$11,817.13.²

² Sullivan testified, which was clarified during the hearing, that this benefits calculation was gathered using the Benefits Calculator disseminated publicly on the South Carolina Department of Administration – State Human Resources website. www.admin.sc.gov/dshr/benefits_and_leave

Now, therefore, the undersigned hereby awards Plaintiff judgment against Defendant South Carolina Department of Education in the amount of Thirty-Seven Thousand Seven-Hundred Twenty-Four and 13/100 (\$37,724.13) Dollars.

AND IT IS SO ORDERED.

Joseph M. Strickland
Master-in-Equity for Richland County



Richland Common Pleas

Case Caption: Ammon L Treigh Sullivan vs Richland County School District One ,
defendant, et al
Case Number: 2020CP4003674
Type: Order/Damages

It is so Ordered

s/Joseph M. Strickland, 3055